

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

JILL DILLARD, JESSA SEEWALD  
JINGER VUOLO, and JOY DUGGAR

PLAINTIFFS

vs.

CASE NO. 5:17-5089-TLB

CITY OF SPRINGDALE, *et al.*

DEFENDANTS

**MOTION TO QUASH SUBPOENA DUCES TECUM**

Comes now the Arkansas Department of Human Services (“DHS”), by and through the undersigned attorney, and for its Motion to Quash Subpoena Duces Tecum pursuant to Fed. R. Civ. P. 45, states:

1. Defendant has served DHS with a Subpoena Duces Tecum to produce “all investigation files, records, documents, communications, reports, and information regarding or related to Josh Duggar, Jim Bob Duggar, Michelle Duggar, Jill Dillard (Duggar), Jessa Seewald (Duggar), Jinger Vuolo (Duggar), and Joy Forsyth (Duggar) or representatives or agents acting on behalf of those listed herein.” **See attached Exhibit A.**

2. To the extent that any such records exist and that the records include child maltreatment reports or investigations, and that such records are in the possession of DHS, the records would be subject to all State confidentiality laws.

3. DHS is a Division of the Executive Branch of the State of Arkansas and has the responsibility for investigating child maltreatment as outlined in the Arkansas Child Maltreatment Act, Ark. Code Ann. § 12-18-101 et seq.

3. To the extent that any records exist and are in the possession of DHS, the Arkansas Child Maltreatment Act permits disclosure of information on child maltreatment investigations only in limited circumstances, none of which includes the Defendant. Ark. Code Ann. § 12-18-909-910.

4. The Defendant does not fall under any of the exceptions to the Arkansas Child Maltreatment Act's confidentiality requirements, and Defendant has not asserted that it falls under any of the exceptions.

5. On timely motion, the Court for the district where compliance is required must quash or modify a Subpoena that requires disclosure of privileged or other protected matter, if no exception or waiver applies. Fed. R. Civ. P. 45(d)(3)(A)(iii).

6. In the event this Court orders DHS to comply with the Subpoena Duces Tecum, the name of the person who made the child maltreatment report, should any such report exist, should be redacted. Ark. Code Ann. §§ 12-18-909(c)(1) and 12-18-910(c)(1).

WHEREFORE, the Arkansas Department of Human Services moves that the Subpoena Duces Tecum be quashed. If this Court should order DHS to comply with the Subpoena and if any of the documentation contains the name of a reporter of child maltreatment, DHS moves that the name and any identifying information on the reporter be redacted, and for all other proper relief to which it may be entitled.

Respectfully submitted,

Arkansas Department of Human Services  
Office of Chief Counsel

By: /s/ Skye Martin  
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**CERTIFICATE OF SERVICE**

I, Skye Martin, Attorney for the Arkansas Department of Human Services, do hereby certify that on this 16<sup>th</sup> day of August, 2021, I electronically filed the above Motion to Quash and Brief in Support using the CM/ECF System which shall send notification of such filing to all counsel of record.

/s/ Skye Martin  
Skye Martin, Ark. Bar No. 2012161